

Case: 6:6a9-cv07941-BB

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

FILED  
UNITED STATES DISTRICT COURT

10 AUG 23 AM 10:10

CLERK-SANTA FE

STATE OF NEW MEXICO, on the relation

The State Engineer,

Plaintiff,

v.

ROMAN ARAGON, et al,

Defendants.

No. 69cv-07941-BB

Rio Chama Stream System

Section 1 (mainstream)

**MEMORANDUM:**

**RESPONSE TO THE STATE OF NEW MEXICO TO EXCLUDE ADDITIONAL EVIDENCE  
BY PRO-SE PARTY, david ortiz.**

Comes now this naked defendant, pro-se party, Acequia de Chamita Commissioner David Ortiz to respectfully request the Court to consider the following responses and requests and not allow the State to continually exclude this pro-se party and others as illegitimate bastards and exclude us from placing our evidence on the blindfolded woman scales of Justice.

The State references Doc. 9606 filed 2/25/2010 and if I may add includes 2 additional parts, -2 and -3. So as not to bore the Court and repeat all that is in the Doc., I will simply reference page and paragraph. Transcript of Proceedings (partial, incomplete), Doc. 9606-2 filed March 12, 1996, discourse between Special Master Vickie Gabin, Fred Waltz and Mr. Simpson. On page 2, bottom, Special Master Gabin: Okay. Well, on the record, as I understand it, Mr. Waltz represents the Acequias—the actual acequia commission and associations and does not represent the individual acequia members. A back and forth discussion as to who they are and whether they should be served and a list the clerk has, and the mailing list as it exists now. And that they should not be allowed in, but just observe.

This pro-se party, Acequia de Chamita Commissioner (for the last 12 years, elected every other year) David Ortiz, who does represent all the members excluded by the State and those who are only observers, all of us who are individual water rights owners, ask these Questions and make the following requests;

#1. The State claims it served a list of people in Doc. 9700, page 1. Specifically, concerning only the Acequia de Chamita, How many members and what are the names of those who were served with the Notices and Orders of the Pre-Trial Order? And was the Acequia commission served and told to notify the members? I am requesting the list with names and addresses of those who were served in 1996.

#2. Did the 3 Commissioners in 1996 sign an agreement giving the Lawyer Fred Waltz, power of attorney? If not, a letter from the attorney stating he did not have power of attorney to sign for the Acequia Community. We are not on speaking terms with Mr. Waltz.

#3. Did the other 2 Commissioners in 2009-10 give Mr. Waltz power of attorney before 1/7/2010? This one didn't. Instant replay of Question #2.

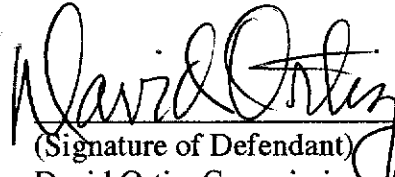
#4. Additionally, the State claims in Doc. 9700 that all parties on a known list were informed of their proposed priority date based on the results of the appointed historians studies. We are interested in only the members of the Acequia de Chamita and would like to see the names and addresses of those who were served with the historians evidence and exhibits. The 2 deceased commissioners did not have copies. The first time anyone saw the historians report submitted to Vickie Gabin of the proposed priority date of the Acequia, of its membership was on 1/13/2010 and that was only because the Rio Arriba County Lawyer sent it to Ron Rundstrom. No one in this community knew what was going on in the last 14 years.

We cannot even be classified as observers since we were not informed. We want our day in court. The blindfolded woman now stands in an Air Conditioned entry, still holding the scales of Justice to weigh evidence and separate Truth from Error and Fact from Fiction. But someone has closed the doors and is keeping evidence out of the court. Even when someone convicted of a crime and has been sentenced to death and it is carried out, if new evidence is entered and finds him innocent, at least his name is cleared, but it won't bring him back from the dead. Wish he could have been saved before we killed him. Hopefully it wasn't because the prosecutor had already locked the doors and would not admit new old evidence.

Have all 85 members of the Acequia de Chamita received due process? Do you want a copy of the official list of members or do you even care?

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Respectfully submitted by defendant David Ortiz



(Signature of Defendant)

David Ortiz, Commissioner/Treasurer,  
Acequia de Chamita

DAVID ORTIZ

(Printed name of Defendant)

P.O. Box 1082

(Street address or P.O. Box)

SAN JUAN PUEBLO, NM

(City, State and Zip Code)

87566

MAP 22  
TRACT 17  
SUBFILE 267

David Ortiz  
PO Box 1082  
San Juan Pblo, NM 87566

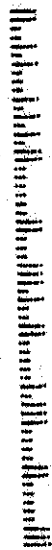
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AUG 23 2010

**MATTHEW J. DYKMAN**  
**CLERK**

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SANTA FE, NEW MEXICO, 87566

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